

**REPORT - PLANNING COMMISSION MEETING**  
**June 10, 2004**

**Project Name and Number:** Prince of Peace Preschool (PLN2004-00135)

**Applicant:** Paul Hodnett

**Proposal:** To consider a Conditional Use Permit to allow the conversion of a parish house from use as a church office into a preschool / day care center for up to 47 children at an existing church.

**Recommended Action:** Approve based on findings and subject to conditions

**Location:** 38451 Fremont Boulevard, in the Centerville Planning Area.

**Assessor Parcel Number(s):** 501 076000803

**Area:** The preschool building, which is approximately 2,100 square feet in area, is located on a 2.46 acre parcel

**Owner:** Prince of Peace Lutheran Church

**Agent of Applicant:** Michael Hahn

**Consultant(s):** None

**Environmental Review:** This project is categorically exempt from review under CEQA pursuant to Section 15314 (Minor Additions to Schools).

**Existing General Plan:** Commercial Thoroughfare

**Existing Zoning:** C-T (CSPC) Thoroughfare Commercial with a Centerville Specific Plan Overlay

**Existing Land Use:** Church and Private School (K-8)

**Public Hearing Notice:** A total of 50 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Fremont Boulevard. The notices to owners and occupants were mailed on May 28, 2004. A Public Hearing Notice was delivered to The Argus on May 24, 2004, to be published by May 27, 2004.

**Executive Summary:** The Prince of Peace Lutheran Church has submitted an application for a Conditional Use Permit to allow the conversion of its existing parish house into a preschool/day care center for up to 47 children. The proposed hours of operation will be from 7:30 am until 6:00pm Monday through Friday. The scope of this approval would include the parish house converted to classrooms, an outside play area, a drop off area, parking and any associated landscaping. This use would be in addition to the operating K-8 elementary school facility. Staff is recommending approval based on the findings and subject to the conditions.

**Background and Previous Actions:** The church opened in 1955. The school operation dates from 1957. A Zoning Administrators' Permit (UA-81-3) for a parish hall and gymnasium addition was approved on April 9, 1981. A Zoning Administrator's Permit (ZA-81-3A) was approved in 1993 for the addition of a modular classroom.

**Project Description:** This application is proposing to convert an existing parish house, formerly used as church offices, into a preschool facility. The applicant wants to transform the 2,100 square foot building into a classroom with seven learning areas and a 3,451 square foot outside play yard with a hardscape area (made of concrete), a patio cover and play structures. There is a 24' 6" diameter turn-about to give preschool parents the ability to turn around and egress from the nearest Fremont Blvd. driveway when the elementary school play yard gate is closed. There are 5 adjacent parking

stalls, one of which is van accessible. A clearly marked pedestrian pathway connects the K-8 school to the new preschool building.

## **PROJECT ANALYSIS:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is Thoroughfare Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site though the use is not specifically listed under the land use designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

### **Allowed Uses:**

**Policy LU 2.27** The list of allowed uses for Thoroughfare Commercial areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

### **Fundamental Goals:**

According to Fundamental Goal F8, Fremont should possess "a diversity of residential, recreational, cultural, employment, and shopping opportunities". This new preschool gives parents another choice in the pre-elementary education of their children.

**Zoning Regulations:** The site is located in the C-T Commercial Thoroughfare District. In that district preschool and day care centers are allowed with a conditional use permit, the reason for this application.

**Section 8-22152** entitled "Nursery Schools" states:

"Day care centers...shall maintain a minimum six-foot high solid board fence or masonry wall on any property line abutting a residential district. A nursery school shall be located on a minimum ten thousand square foot lot and shall not develop excessive traffic on local residential streets."

Though the abutting property is not residential, an existing 6 foot wood fence has been placed to separate the property from a commercial site.

The lot is over 10,000 square feet. It is 2.46 acres. This large lot is part of an even larger K-8 campus.

This project is located at the Price of Peace Lutheran Church on Fremont Boulevard, right across from the Washington High School campus. It is not located on nor does it access from a residential neighborhood. Therefore it will not develop excessive traffic on any local residential street.

**Parking:** This project meets all of the parking requirements. Sec. 8-22003(b)(2)f.1. of the Fremont Municipal Code states that the parking requirement for a child care nursery is 3 parking spaces plus 1 space for each 10 children over a capacity of 15. The final capacity for this preschool is 47. The parking requirement for this project is 6 spaces. Currently, the applicant has 4 standard spaces and 1 disabled van accessible parking space adjacent to the front of the building. In addition there are 5 parallel parking spaces across the driveway and to the east of the proposed preschool. The applicant is dedicating these spaces for the preschool use. There is a clearly marked pedestrian walkway proposed for the driveway. With that pedestrian walkway, the applicant connected the preschool to those westward parallel parking spaces, as well as to the rest of the K-8 campus. The applicant expects that many of the children attending the preschool will be the younger siblings of the K-8 students. The applicant has also stated that those patrons who have children enrolled in both the K-8 campus and the preschool will be required to use the large church / school parking lot to the north of the campus, park their vehicles and escort their children, including the preschoolers to their classrooms. Employees of the preschool will also be required to park in the main parking as current school employees already do.

**Open Space/Landscaping:** This project meets the landscaping requirements. There is a 252 square foot planter at the end of the parking area adjacent to the building. This planter will have a tree and ground cover. In addition, there are two large planters adjacent to the front of the building. One is 256 square feet, the other approximately 466 square feet. Both contain existing shrubs. Flowers, trees and ground cover will be added in accordance to the landscape plan. On the south side of the building there is a 3,451 square foot outside play yard with a hardscape area (made of concrete) and play structures.

**Waste Management:** This project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City's Source Reduction and Recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The plans do not show such areas. The applicant will be required to provide evidence of such areas during the Development Organization review process. If such enclosures do not exist within a reasonable distance, the applicant will be required to provide an area within the area defined in their scope of work.

## **ENGINEERING ANALYSIS:**

**Circulation/Access:** The applicant has provided a 24' 6" diameter curbed traffic circle to give preschool parents the ability to turn around and egress from the nearest Fremont Blvd. driveway when the elementary school play yard gate is closed. The gate is closed during school hours from 8:30 am to 7:00 pm. The current gate will be moved as illustrated on the site plan to accommodate the traffic circle.

The existing Prince of Peace school traffic plan restricts patrons from using the south ingress/egress (the entrance closest to the new preschool) before 8:30 am. The preschool parents will be asked to also adhere to this policy. By forcing patrons to use the north ingress/egress (also off of Fremont Boulevard) as the student drop off entrance and using the south ingress/egress as an exit only, it makes the school traffic before 8:30 a.m. flow well with very few problems.

**ENVIRONMENTAL ANALYSIS:** This project is categorically exempt from review under CEQA pursuant to Section 15314 (Minor Additions to Schools).

**Response from Agencies and Organizations:** The City received no responses from the public or other agencies.

## **APPLICABLE FEES:**

**Centerville Specific Plan Fee:** This project is located within Subarea 11 of the Centerville Specific Plan. However, it is not subject to fees related to the cost of preparing the Centerville Specific Plan because this project is considered a minor addition to a commercial use.

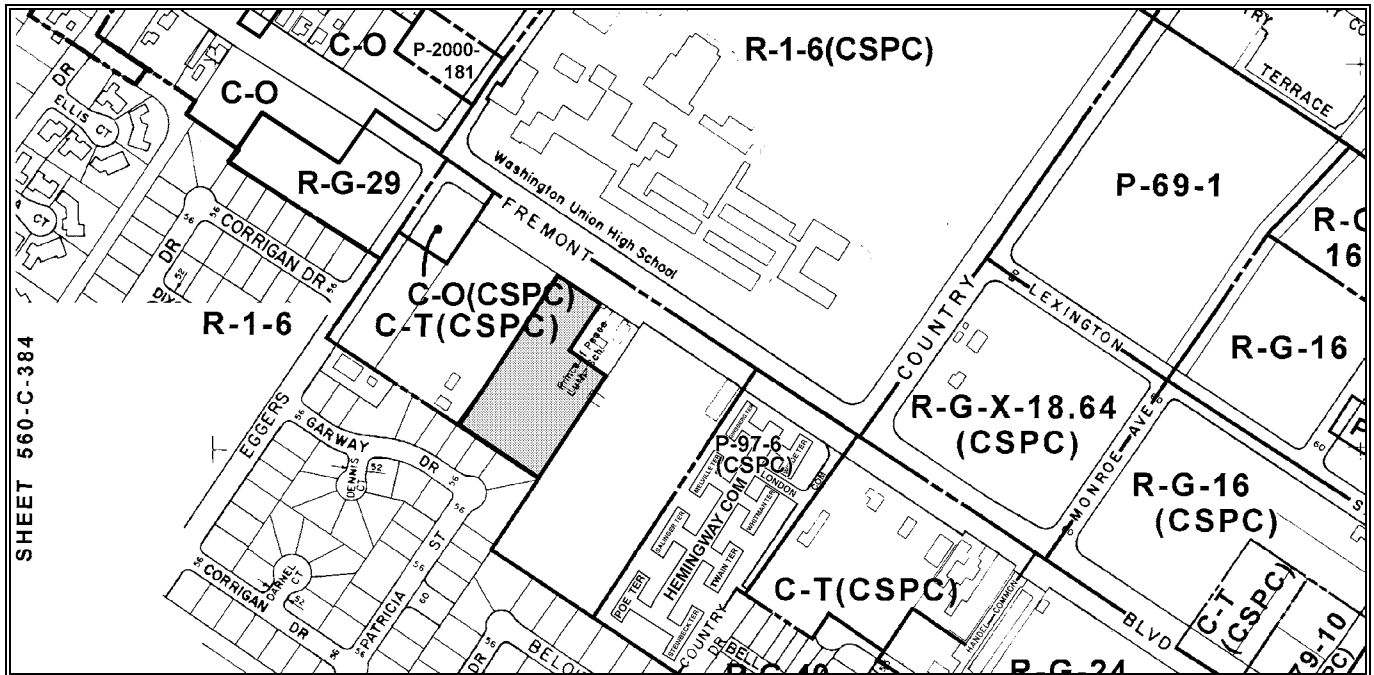
**ENCLOSURES:** Exhibit "A" (Site Plan, Elevation, and Landscape Plan)  
Exhibit "B" (Findings & Conditions)

**EXHIBITS:** Exhibit "A" (Site Plan, Elevation, and Landscape Plan)  
Exhibit "B" (Findings & Conditions)  
Exhibit "C" (Material and Color Board)

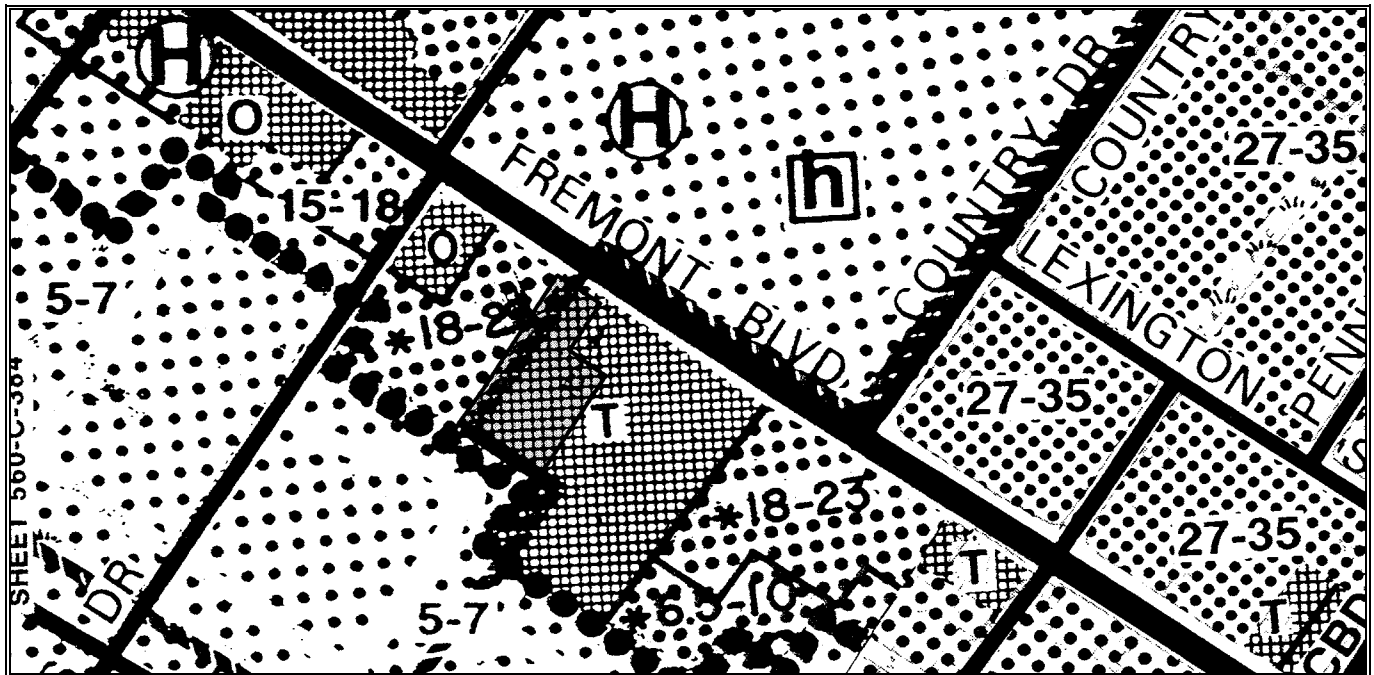
**Recommended Actions:**

1. Hold public hearing.
2. Find that the proposed project is exempt from further CEQA review pursuant to Section 15314 (Minor Additions to Schools).
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. The project conforms to the goals and policies as enumerated in the staff report and Findings Exhibit adopted/recommended herewith.
4. Approve PLN2004-00135, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**Exhibit "B"**  
**Finding and Conditions of Approval for PLN2004-00135**  
**Conversion of a Church Office to a Preschool**  
**Prince of Peace Lutheran Church, 38451 Fremont Boulevard**  
**Conditional Use Permit**

**FINDINGS:**

**The following findings below are made on the basis of information contained in the staff report, testimony at the public hearing, and incorporated herein:**

1. The proposed project is consistent with intent of the General Plan. The existing General Plan land use designation for the project site is Thoroughfare Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site though the use is not specifically listed under the land use designation. According to Fundamental Goal F8, Fremont should possess "a diversity of residential, recreational, cultural, employment, and shopping opportunities". This new preschool gives parents another choice in the pre-elementary education of their children.
2. The site is suitable and adequate for the proposed project. Because this is an existing church parish/office being converted to a preschool, it is not displacing areas already designated for the children, it is adding to them. In addition to the 2,100 square foot building this site will offer a 3,451 square foot outside play yard with a hardscape area (made of concrete), a patio cover and a couple of play structures.
3. The project would not have a substantial adverse economic effect on nearby uses. Though this site is close to an existing preschool (Fremont Christian Preschool) it is expected that many of the preschool parents will be parents of students who attend the on site K-8 campus or will be those who attend the Prince of Peace Lutheran Church. However, there is such a great need in this city for quality pre-elementary education services (confirmed by the influx of Large Family Daycare applications) that this preschool will meet a portion of a bigger need.
4. The project would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large. The project would not be detrimental because the applicants' goal is to provide this preschool for the benefit of their congregation's and their K-8 patrons' children. It is only expanding a current school use by 47 children and their associated staff. The building and space already existed as illustrated on the site plan, so the expansion will be insignificant to the surrounding uses.
5. The proposed project would not have a substantial adverse effect on traffic and pedestrian circulation, the planned capacity of the street, pedestrian way system or other public facilities or services. All of the services exist. The on-site circulation will not be affected because the preschool parents will be required to follow the parking and circulation plan adopted by the school. This plan is in place to minimize the affect that the peak drop-off time has on the on-site uses, surrounding uses and the traffic on Fremont Boulevard. The applicant will provide clearly marked pedestrian pathways to connect on-site buildings with each other and walkways to connect the uses on-site to the public right-of-way. Additionally, many of the parents of children already attending the existing K-8 school will enroll their children in the preschool, thus limiting the number of new trips generated.

**CONDITIONS:**

1. The Prince of Peace Lutheran Church Preschool shall conform to Exhibit "A" (Site Plan, and Elevations), and all other conditions of approval set forth herein.
2. The applicant must submit complete plans to the Development Organization (D.O.) for review and approval of the preschool. The applicant shall recognize and must agree to any modifications that may be necessary for the final approval of the preschool.
3. The plans submitted to the D.O. will be subject to the review and approval by the Planning, Building, Landscape, and Fire Departments and will be required to comply with all applicable, currently adopted codes and ordinances.
4. If a trash/recycling enclosure for the church, K-8 and preschool use does not exist, an exterior trash/recycling enclosure for the church property and daycare center must be constructed. Minimum size is 24 square feet. Design requirements are included in the City of Fremont Waste Handling Requirements document. If an enclosure currently exists, the applicant is required to add the enclosure and its dimensions to the plan sets submitted to the Development Organization. Staff may require an additional enclosure be added for the preschool use.
5. The applicant shall meet all requirements in the 2001 California Fire Code and all local amendments to that code in Ordinance #2485.
6. The applicant is required to install an automatic fire extinguishing system because of change in use/occupancy. The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Water flow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
7. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13.
8. All Automatic Fire Suppression Systems Fire Department Connections shall be installed with the following:
  - a. Address placard installed at the connection.
  - b. Knox Cap installed on every inlet.
9. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
10. The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
11. The applicant may be required to provide an additional on site fire hydrant 300 feet from the street. The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of the additional on site fire hydrant and new fire department connection if needed.
12. The applicant shall keep the gate unlocked, or if locked have a key box (Knox brand) located outside of building/gate and provide keys to the Fire Department so they may gain access. Vehicle gates may use Knox lock or keyed over-ride switch. Gate shall also have an infrared receiver installed. Application can be obtained at Fire Administration office, 3300 Capital Avenue, Fremont.
13. Address must always be visible from Public Street.

14. Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps installed.
15. Fire hydrant spacing requirement is 300 feet. The distance is measured as the fire engine travels on all- weather surfaces.
16. A landscape plan shall be submitted to the Development Organization as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
  - a) An underground irrigation plan.
  - b) Weed control specifications.
  - c) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
  - d) Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
2. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
3. Planting areas between parking area and property line shall be a minimum of six foot wide (internal dimension) and free of inorganic material.